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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,808	04/09/2004	Kazuma Shibata	2933AS-15	9106
22442	7590	07/21/2006	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			COULTER, ANDREA	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,808

Applicant(s)

SHIBATA ET AL.

Examiner

Andrea L. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/9/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 602.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 1-2, it is not readily apparent to the examiner if the applicant is claiming a door module or a door module in combination with a window glass. Throughout the claims, the applicant clearly and positively recites the window glass. If the applicant intends to claim the door module in combination with the window glass, then the applicant should clearly and positively recite the window glass in the preamble.

Claim 13 recites the limitation "the module panel". There is insufficient antecedent basis for this limitation in the claim. Although a panel was discussed in the specification, a panel has not been claimed in any claim on which claim 13 depends.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, and 7-11 are further rejected under 35 U.S.C. 102(b) as being anticipated by Pozzi (US 5,140,772).

Pozzi discloses a window regulator 1 to be used in a motor vehicle door. The regulator comprises a motor 39, a power transmission arm 10, a guide member 4, and a carrier 19. The power transmission arm 10 is supported by a module panel, is operably coupled to the motor, is rotated about a predetermined rotation axis 9, and has a power transmission portion 14 located apart from the rotation axis. The guide member 4 extends along the moving direction of the window glass. The carrier 19 is a bracket attached to the bottom edge of a window 2 and is supported by the guide member 4 so as to be movable along the moving direction of the window glass. The carrier 19 has a first engaging portion 17 engaged with the power transmission portion 14, and a second engaging portion 21 engaged with the guide member 4.

The second engaging portion 17 restrains the carrier 19 from moving relative to the guide member 4 along a direction orthogonal to the moving direction of the window glass and parallel to a plane orthogonal to the thickness direction of the window glass, and also restrains the carrier 19 from moving relative to the guide member 4 along the thickness direction of the window glass.

The first engaging portion 21 "overlaps" a portion of the carrier provided with the second engaging portion 17. The first engaging portion 21 is engaged with the power transmission arm 10 so that the size of an interval between the carrier 19 and the center portion 15 of the power transmission arm 10 in the thickness direction of the window glass is permitted to vary. The power transmission arm 10 has a curve 30 abutting against the first engaging portion 21, which allows the angle that the carrier 19 forms with the power transmission arm to vary. The power transmission arm 10 has a receiving rail 28, and the first engaging portion on the window carrier 19 has an engaging projection 17.

The guide member 4 has a crook surface (see Figure 3) and has a pair of guide surfaces facing each other and arranged along a direction orthogonal to the moving direction of the window glass.

The reference thus reads on the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4, 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pozzi (US 5,140,772) in view of Hezler (US 3,574,971). All of the elements of the instant invention are discussed in detail above except the following:

- Pozzi does not disclose the second engaging portion as being one of a plurality of second engaging portions.
- Pozzi does not show the guide member 4 as integrally formed with the panel.
- Pozzi does not disclose a receiving rail on the window carrier and an engaging projection on the transmission arm.

Nevertheless, Hezler teaches using a plurality of engaging portions 38, 40 that are connected to a window carrier 46 and engage a guide member 36. Each of the engaging portions is placed at a predetermined interval between itself and other engaging portions, and each of the engaging portions is slid on the guide member. Hezler further teaches attaching a guide member 36 to a module panel 34 as part of a window regulating system. The panel also rotatably supports a power transmission arm 54. Hezler further teaches a receiving rail 48 as an engaging portion on the carrier 46 and an engaging projection 60 on the power transmission arm 54. The receiving rail 48 receives the engaging projection 60 and guides the engaging projection along the longitudinal axis of the receiving rail, and the longitudinal axis of the receiving rail

traverses a portion of the carrier 46 provided with the second engaging portion (38 and 40).

It would be obvious to one of ordinary skill in the art at the time of the invention to provide Pozzi with multiple engaging portions as taught by Hezler since multiple engaging portions provides added stability when the window carrier is guided by the guide member. It would have been further obvious to one of ordinary skill in the art at the time of invention to provide Pozzi with a panel to support both the guide and the transmission arm as taught by Hezler since this would increase the rigidity of the module. It would have been further obvious to one of ordinary skill in the art at the time of the invention to provide Pozzi's door module system with a receiving rail on the carrier and an engaging projection on the transmission arm as taught by Hezler since the two are interchangeable in purpose.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pozzi in view of Pleiss (US 6,931,791). Pozzi fails to disclose that the support panel is made of a synthetic resin. However, Pleiss teaches making a module panel 2 that supports a window regulator system out of a synthetic resin. It would be obvious to one of ordinary skill in the art at the time of the invention to form the module panel out of synthetic resin, since the synthetic resin would be light and cheap to manufacture.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pozzi in view of Hezler as applied to claim 6 above, and further in view of Pleiss. Pozzi fails to disclose the support panel and the guide rail as being formed of a synthetic resin. However, Pleiss teaches a support panel 2 and a window regulator guide member 310

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that are made of plastic material. It would be obvious to one of ordinary skill in the art at the time of the invention to form Pozzi's guide member and panel out of plastic as taught by Pleiss, since plastic is light, does not rust, and is easy to manufacture.

The references thus read on the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furuyama (US 6,616,216) discloses a plastic module panel like the one claimed in the instant application. Nantau (3,591,982) discloses a window regulator much like the one claimed in the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea L. Coulter whose telephone number is (571) 272-1679. The examiner can normally be reached on M-TH.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Jerry Redman
Primary Examiner

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